

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

265252

DATE OF REPORT (DAY-MO.-YEAR)

23 OCT 00

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME BRUNDAGE, John P.				RANK SGT	STAR NO. 1697	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 007
ADDRESS OF INCIDENT 56 S. Justine				DATE OF INCIDENT - TIME TUES 29 AUG 00		BEAT OF INCIDENT 713		LOCATION CODE* 19
NAME 1. CUNNINGHAM, Aaron B.				RANK P.O.	STAR NO. 15522	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 007
NAME 2. DOYLE JR., Patrick R.				RANK P.O.	STAR NO. 7554	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 007
ACCUSED	SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		PHYS. COND. CODE†
	1. M 2	[REDACTED] 67	29 JUN 98	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY				01
	2. M 2	[REDACTED] 54	04 MAR 85	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		01
IF APPLICABLE - DATE ARRESTED/INDICTED				CHARGES		COURT BRANCH		DISPOSITION & DATE
1.								
2.								
COMPLAINANTS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]		[REDACTED]				F/B	[REDACTED] 66
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
WITNESSES	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

The Complainant alleges that on TUES 29 AUG 00 at approximately 1915 hours,

- 1) Police Officers CUNNINGHAM, DOYLE, XANOS, ESPARZA, and GARZA searched her home at 56 S. Justine without warrant or permission. She stated that the above officers searched her home once, left, and re-entered the home a second time; and
- 2) While in her home, while Police Officer CUNNINGHAM was pulling a book out of his vest pocket, a clear plastic bag containing crushed green plant material, suspect cannabis, fell out of his pocket.

The Complainant was arrested for possession of cannabis under RD: [REDACTED] CB: [REDACTED]

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant
02 Tavern/Liquor Store
03 Other Business Establishment
04 Police Building
05 Lockup Facility
06 Police Maintenance Facility
07 CPD Automotive Pound Facility
08 Other Police Property
09 Police Communications System
10 Court Room

11 Public Transportation Veh./Facility
12 Park District Property
13 Airport
14 Public Property - Other
15 Other Private Premise
16 Expressway/Interstate System
17 Public Way - Other
18 Waterway, Incl. Park District
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

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CONTINUATION SHEET
ADDITIONAL ACCUSED

NAME	Rank	STAR	SSN	EN	U/A	S	P	DOB	DOB	Dty	SC	Phyl	
XANOS, Nicholas S.	P.O.	8791			007	M	2		71	08 MAR 99	On Duty	S	01
ESPARZA, Hector (NMI)	P.O.	8529			007	M	4		70	13 APR 98	On Duty	S	01
GARZA, Robert (NMI)	P.O.	7871			007	M	4		70	29 NOV 99	On Duty	S	01

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ATT. NO: _____

INVESTIGATION SUMMARY

In summary, R/S obtained statements from the Complainant [att. 2] and all of the accused officers. [att. 16, 20, 24, 28, 32] R/S also performed a PCAD search for events reported near the date, time, and address in question. [att. 5, 6]

The accused officers were responding to an Aggravated Battery with a Firearm. [att. 10, 11, 12] R/S notes that two independent named citizens furnished information that the wanted gunman had fled into the Complainant's home moments before the accused officers arrived. [att. 5, 6] Armed with this information, the officers would be justified in entering the home of the Complainant without a warrant or permission. It is undisputed that the entry, even if not by consent, was peaceful. Once inside the home, the officers could take note of any contraband in plain view.

R/S referred to the initiation report given to Lt. Ryan immediately after the incident. [att. 2] R/S particularly notes that the Complainant failed to raise several issues mentioned at the time the Complainant gave her statement to R/S. [att. 3] It is clear that Complainant was under the mistaken belief that she was allowed to possess and use cannabis in her own home.

The Complainant raises the issue that the officers searched her home, left, and then returned a second time to arrest her. While three of the five accused officers did state that they left the home, Officers DOYLE and CUNNINGHAM stated that they remained in the home continuously.

All of the officers involved deny the P.O. CUNNINGHAM dropped anything out of his pocket.

Reporting Sergeant in judging the credibility of the Complainant, places more weight on the original Complaint Against Department Member, and the statement given to Lt. RYAN, both of which were given immediately after the incident. By the time Reporting Sergeant interviewed the Complainant, the Complainant has added several allegations not mentioned either in the Complaint Against Department Member or the initiation report, including the exit and re-entry into her house and the alleged contraband possessed by P.O. CUNNINGHAM.

In conclusion, Reporting Sergeant concludes that the Complainant home was entered without a warrant, but the officers had exigent circumstances to make a peaceful entry into the Complainant's home, with or without the Complainant's consent. Once inside the home, the officers could arrest the Complainant for contraband found in plain view. The actions of the officers were justified. The allegations as to the improper search of the Complainant's home against Officers DOYLE, CUNNINGHAM, XANOS, GARZA and ESPARZA are EXONERATED.

Reporting Sergeant is unable to determine the truth of the allegation of possession of contraband as to P.O. CUNNINGHAM, and that allegation is NOT SUSTAINED.

DATED: 23 OCT 00


Sgt. John BRUNDAGE, #1697

C.R. Number 265252
Investigation Summary

COMPLAINT REGISTER NUMBER 265252

EVIDENCE LIST

Attachment Description

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Vice Case Report, [REDACTED] Back	8
Arrest Report, CB [REDACTED]	9
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Supplementary Report, Battery -Agg. Handgun, RD [REDACTED]	12
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